

110TH CONGRESS  
2D SESSION

# H. R. 7227

To encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2008

Mr. SCOTT of Virginia introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Death in Custody Re-  
5 porting Act of 2008”.

1 **SEC. 2. STATE INFORMATION REGARDING INDIVIDUALS**  
2 **WHO DIE IN THE CUSTODY OF LAW ENFORCE-**  
3 **MENT.**

4 (a) IN GENERAL.—For each fiscal year after the ex-  
5 piration of the period specified in subsection (c)(1) in  
6 which a State receives funds for a program referred to  
7 in subsection (c)(2), the State shall report to the Attorney  
8 General, on a quarterly basis and pursuant to guidelines  
9 established by the Attorney General, information regard-  
10 ing the death of any person who is detained, under arrest,  
11 or is in the process of being arrested, is en route to be  
12 incarcerated, or is incarcerated at a municipal or county  
13 jail, State prison, State-run boot camp prison, boot camp  
14 prison that is contracted out by the State, any State or  
15 local contract facility, or other local or State correctional  
16 facility (including any juvenile facility).

17 (b) INFORMATION REQUIRED.—The report required  
18 by this section shall contain information that, at a min-  
19 imum, includes—

20 (1) the name, gender, race, ethnicity, and age  
21 of the deceased;

22 (2) the date, time, and location of death;

23 (3) the law enforcement agency that detained,  
24 arrested, or was in the process of arresting the de-  
25 ceased; and

1 (4) a brief description of the circumstances sur-  
2 rounding the death.

3 (c) COMPLIANCE AND INELIGIBILITY.—

4 (1) COMPLIANCE DATE.—Each State shall have  
5 not more than 120 days from the date of enactment  
6 of this Act to comply with subsection (a), except  
7 that—

8 (A) the Attorney General may grant an ad-  
9 ditional 120 days to a State that is making  
10 good faith efforts to comply with such sub-  
11 section; and

12 (B) the Attorney General shall waive the  
13 requirements of subsection (a) if compliance  
14 with such subsection by a State would be un-  
15 constitutional under the constitution of such  
16 State.

17 (2) INELIGIBILITY FOR FUNDS.—For any fiscal  
18 year after the expiration of the period specified in  
19 paragraph (1), a State that fails to comply with sub-  
20 section (a), shall, at the discretion of the Attorney  
21 General, be subject to not more than a 10 percent  
22 reduction of the funds that would otherwise be allo-  
23 cated for that fiscal year to the State under subpart  
24 1 of part E of title I of the Omnibus Crime Control  
25 and Safe Streets Act of 1968 (42 U.S.C. 3750 et

1        seq.), whether characterized as the Edward Byrne  
 2        Memorial State and Local Law Enforcement Assist-  
 3        ance Programs, the Local Government Law Enforce-  
 4        ment Block Grants Program, the Edward Byrne Me-  
 5        morial Justice Assistance Grant Program, or other-  
 6        wise.

7        (d) REALLOCATION.—Amounts not allocated under a  
 8        program referred to in subsection (c)(2) to a State for fail-  
 9        ure to fully comply with subsection (a) shall be reallocated  
 10       under that program to States that have not failed to com-  
 11       ply with such subsection.

12       (e) DEFINITIONS.—In this section the terms “boot  
 13       camp prison” and “State” have the meaning given those  
 14       terms, respectively, in section 901(a) of the Omnibus  
 15       Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 16       3791(a)).

17       (f) STUDY OF INFORMATION RELATING TO DEATHS  
 18       IN CUSTODY.—

19                (1) STUDY REQUIRED.—The Attorney General  
 20       shall carry out a study of the information reported  
 21       under subsection (b) and section 102(b) to—

22                        (A) determine means by which such infor-  
 23                        mation can be used to reduce the number of  
 24                        such deaths; and

1 (B) examine the relationship, if any, be-  
2 tween the number of such deaths and the ac-  
3 tions of management of such jails, prisons, and  
4 other specified facilities relating to such deaths.

5 (2) REPORT.—Not later than 2 years after the  
6 date of the enactment of this Act, the Attorney Gen-  
7 eral shall prepare and submit to Congress a report  
8 that contains the findings of the study required by  
9 paragraph (1).

10 **SEC. 3. FEDERAL REPORTING REQUIREMENT.**

11 (a) IN GENERAL.—For each fiscal year, the Attorney  
12 General shall collect information regarding the death of  
13 any person who is detained, under arrest, or is in the proc-  
14 ess of being arrested by Federal authorities, is en route  
15 to be incarcerated or detained, or is incarcerated or de-  
16 tained at any facility pursuant to a contract with the fed-  
17 eral government (including any immigration or juvenile fa-  
18 cility), any State or local government facility used by a  
19 Federal agency, and any Federal correctional facility or  
20 Federal pre-trial detention facility.

21 (b) INFORMATION REQUIRED.—The report required  
22 by this section shall include, at a minimum, the informa-  
23 tion required by section 2(b).

1       (c) STUDY.—Information gathered pursuant to sub-  
2 section (a) shall be analyzed and included in the study  
3 required by section 2(f).

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